

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

ISABEL BERMUDEZ

vs.

DIVERSIFIED CONSULTANTS INC

NO. 2018-03271

NOTICE TO DEFEND - CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19404-0268

(610) 279-9660, EXTENSION 201

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IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Isabel Bermudez	:	
447 E. AIRY ST	:	
Norristown, PA 19401	:	
	:	
Plaintiff	:	2018-03271
	:	
v.	:	
Diversified Consultants Inc.	:	Jury Trial Demanded
10550 Deerwood Park Blvd, #309	:	
Jacksonville, FL 32256	:	
	:	
Defendant	:	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THE COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERENCE SERVICE
MONTGOMERY COUNTY BAR ASSOCIATION
100 West Airy Street (REAR), NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

Montgomery County Legal Aid Services
625 Swede Street, Norristown, PA 19401
610-275-5400

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Isabel Bermudez
447 E. AIRY ST
Norristown, PA 19401

Plaintiff

2018-03271

v.
Diversified Consultants Inc.
10550 Deerwood Park Blvd, #309
Jacksonville, FL 32256

Defendant

Jury Trial Demanded

COMPLAINT

1. This is a lawsuit for damages brought by an individual consumer for Defendant(s)' alleged violations of the Telephone Consumer Protection Act, 47 USC § 227 et. seq. (hereinafter "TCPA"), as well as for Defendant(s) alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. (hereinafter "FDCPA").
2. Jurisdiction is proper in this jurisdiction because Defendant(s) regularly transact(s) business throughout this jurisdiction.
3. Defendant obtains the benefit(s) of regularly transacting business in this jurisdiction.
4. As substantial portion of the transaction(s), occurrence(s), act(s) or omissions occurred in this jurisdiction.

5. Venue is proper because substantially portion of the conduct complained of occurred in this jurisdiction.
6. Plaintiff is Isabel Bermudez, an adult individual with a current address of 447 E. AIRY ST, Norristown, PA 19401.
7. Defendant is Diversified Consultants Inc., a business engaged in consumer debt collection with a principle place of business located at 10550 Deerwood Park Blvd #309, Jacksonville, FL 32256.

**COUNT TWO: VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
(FDCPA), 15 USC 1692e and 15 USC 1692f, et. seq.
Deceptive, Unlawful and Unconscionable Collection Activity**

8. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
9. Plaintiff is a consumer debtor as defined by the Fair Debt Collections Practices Act (FDCPA), 15 USC 1692 et. Seq.
10. Defendant is a debt collector as defined by the FDCPA, 15 USC 1692 et. seq.
11. Defendant is engaged in the practice of collecting primarily consumer debts against people throughout the united states.
12. At all times mentioned herein, Defendant(s) was attempting to collect on an alleged consumer debt against Plaintiff.
13. 15 USC 1692e of the FDCPA prohibits a debt collector from engaging in any misleading or false collection activity while Defendant(s) was attempting to collect a consumer debt from Plaintiff.

14. During the approximate timeframe of February, 2018, Defendant contacted Plaintiff's daughter, Greasy Mendoza, by telephone and used the following telephone numbers on its called ID as the identification number when Defendant called Plaintiff.

- a. 215-372-1655
- b. 215-372-1685
- c. 215-372-1688

15. Defendant's office is located in Jacksonville, Florida.

16. The above referenced telephone numbers that appeared as Defendant's caller ID are Pennsylvania phone numbers, and not Jacksonville, Florida telephone numbers.

17. It is believed and averred that that the phone call originated outside of the state of Pennsylvania.

18. It is believed and averred that Defendant does not have a place of business located in Pennsylvania that corresponds to the above referenced telephone numbers that appeared on Defendant's caller ID.

19. It is believed and averred that the use of the above referenced telephone number on Defendant's caller ID was deceptive and confusing to the consumer because the appearance of the such telephone phone numbers gave the false impression to Plaintiff that the phone call was coming from Pennsylvania when in fact the phone call was not coming from Pennsylvania.
20. It is believed and averred that the use of the false caller ID numbers was a violation of 15 USC 1692e, failure to disclose identity, and 15 USC 1692 f deceptive and unconscionable collection practices.
21. Using a fake caller ID is colloquially referred to as "spoofing."
22. Under the Truth in Caller ID Act, FCC rules prohibit any person or entity from transmitting misleading or inaccurate caller ID information *with the intent to defraud, cause harm, or wrongly obtain anything of value*. If no harm is intended or caused, spoofing is not illegal. Anyone who is illegally spoofing can face penalties of up to \$10,000 for each violation. In some cases, spoofing can be permitted by courts for people who have legitimate reasons to hide their information, such as law enforcement agencies working on cases, victims of domestic abuse or doctors who wish to discuss private medical matters. See FCC website <https://www.fcc.gov/consumers/guides/spoofing-and-caller-id>.

23. Defendant's misconduct was deceptive because it created the false impression that that call originated from a local caller to entice Plaintiff or Plaintiff's daughter to take the call.
24. Defendant's misconduct was unconscionable because it violated the Truth in Caller ID Act, and because it was deceptive

LIABILITY

25. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
26. Defendant(s) is liable to Plaintiff(s) for the acts committed by its agents under the doctrine of respondeat superior because Defendant's agents were acting within the scope of their employment with Defendant.
27. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
28. Any mistake made by Defendant(s) would have included a mistake of law.
29. Any mistake made by Defendant (s) would not have been a reasonable bona fide mistake.

DAMAGES

30. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
31. At least \$1.00 actual damages, including but not limited to phone, fax, stationary, postage, etc.
32. Plaintiff believes and avers that Plaintiff is entitled to \$1,000.00 statutory under the FDCPA 15 USC 1692k.

ATTORNEY FEES

33. All previous paragraphs of this complaint are incorporated by reference.

34. If Plaintiff prevails in this action, Plaintiff is entitled to reasonable attorney fees.

35. Plaintiff believes and avers that Plaintiff's attorney fees are at a reasonable rate of \$350 per hour or other amount determined by this Honorable Court

36. in this matter at a rate of no less than \$350 per hour, or other rate that this Honorable Court deems just and fare, pursuant the fee shifting provision of TCPA and FDCPA.

37. Plaintiff Plaintiff's attorney fees of \$1,740.00 at a rate of \$350.00 per hour, are enumerated below.

- | | |
|---|---|
| a. Consultation with client, drafting and review of complaint | 1 |
| b. Drafting, editing, review, filing and service of complaint and related documents | 2 |
| c. Follow up With Defense and client | 2 |

5 x \$350 = \$1,750

38. Plaintiff's attorney fees continue to accrue as the case move forward.

39. The above stated attorney fees include prosecution of this complaint to the date of the instant filing and reasonable follow up.

OTHER RELIEF

40. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
41. Plaintiff seeks injunctive relief barring further unlawful collection activity.
42. Plaintiff requests / demands a jury trial in this matter.
43. Plaintiff seeks fees and costs for prosecuting this action.
44. Plaintiff seeks such other relief as this Honorable Court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of no less than \$2,751.00.

\$1.00 actual damages more or less for postage, stationary , fax, etc.

\$1,000.00 statutory damages under the FDCPA

\$1,750 attorney fees

\$2,751.00

Plaintiff seeks such other relief as the Court deems just and fair.

/s/ Vicki Piontek

3/30/18

Vicki Piontek, Esquire
Supreme Court ID Number 83559
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
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Date

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2018-03271

Jury Trial Demanded

I, Greays Mendoza, power of attorney for Isabel Bermudez, have read the attached Complaint.
The facts stated therein are true and correct to the best of my knowledge, understanding and
belief.

Greays L. Mendoza

Signature: 
Greays L. Mendoza (Mar 26, 2018)

Email: greays@yahoo.com